

# SENATE BILL REPORT

## SHB 1419

---

---

As Reported by Senate Committee On:  
Human Services & Corrections, March 26, 2009

**Title:** An act relating to sexually aggressive youth.

**Brief Description:** Revising provisions affecting sexually aggressive youth.

**Sponsors:** House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Kagi, Dickerson, Walsh, Roberts, Hunt and Appleton).

**Brief History:** Passed House: 3/10/09, 96-0.

**Committee Activity:** Human Services & Corrections: 3/26/09 [DP].

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

**Staff:** Jennifer Strus (786-7316)

**Background:** A "sexually aggressive youth" (SAY) is defined as a child who has been abused and has committed a sexually aggressive act or other violent act of a sexual nature, and who:

- is in the care and custody of the state or a tribe;
- is subject to a dependency proceeding or a tribal child welfare proceeding; or
- has been referred to Child Protective Services (CPS) by law enforcement based on a determination the child cannot be detained in the juvenile justice system based on age or incompetence to stand trial for acts that could be prosecuted as sexual offenses.

CPS must investigate all referrals from law enforcement regarding a sexually aggressive youth, including referrals relating to children under age 12.

The Department of Social and Health Services (DSHS) may offer services and treatment or refer the child and the child's parents to appropriate services and treatment in the community. If the child's parents refuse to accept or fail to obtain appropriate services, and the circumstances indicate the refusal or failure constitutes abuse or neglect, DSHS may pursue a dependency action.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** DSHS may offer appropriate available services and treatment to SAY and their parents or legal guardians and may refer the child and the child's parents to treatment and services regardless of whether the child is the subject of a dependency proceeding.

A child's status as an SAY and any plan, services, and treatment plans and progress reports are confidential and not subject to public disclosure. Although this information can be shared with juvenile justice care agencies, law enforcement, and schools, those entities must maintain the confidentiality of the information.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Often prosecutors will refer children between ages eight and 12 who have been accused of committing a sexual offense to DSHS for services. In two areas of the state, the interpretation of the current law is that if the child is not in state custody, they do not qualify for services provided by DSHS. This bill cleans up that misperception so that the children in that area who otherwise qualify for services can get them. The language regarding confidentiality, while probably not needed, was added to make parents feel more comfortable in voluntarily seeking services for their child.

**Persons Testifying:** PRO: Tom McBride, Washington Association of Prosecuting Attorneys.